



# County of Los Angeles CHIEF EXECUTIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION  
LOS ANGELES, CALIFORNIA 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

October 2, 2007

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: PRIVATE DRAIN NO. 2266  
GRANT OF EASEMENT  
CITY OF PALMDALE  
(SUPERVISORIAL DISTRICT 5)  
(3 VOTES)**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY  
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Consider the mitigated Negative Declaration prepared and adopted by the City of Palmdale as lead agency, together with any comments received during the public review process. Certify that your Board has independently considered and reached its own conclusions regarding the environmental effects of the project as shown in the Negative Declaration in your capacity as a responsible agency for the project in the City of Palmdale.
2. Find the proposed grant of an easement for waterline purposes and the subsequent use of said easement will not interfere with the use of Private Drain No. 2266 for any purposes of the Los Angeles County Flood Control District.
3. Approve the grant of an easement for waterline purposes from the Los Angeles County Flood Control District to the Palmdale Water District within Private Drain No. 2266 for \$2,500.

Board of Supervisors  
GLORIA MOLINA  
First District

YVONNE B. BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

4. Instruct the Chairman to sign the Easement and authorize delivery to the grantee.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended action is to allow the Los Angeles County Flood Control District (LACFCD) to grant an easement for waterline purposes in, under, across, and along Private Drain No. 2266 to the Palmdale Water District. The City required the developer, Beazer Homes, to acquire this off-site easement on behalf of the Palmdale Water District and construct the water main as a condition for the approval of their project, Tract No. 52921, a residential subdivision. The easement will allow the developer of Tract No. 52921 to complete the required water distribution system to serve his development.

#### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs that we provide Fiscal Responsibility (Goal 4). The revenue from this transaction will be used for flood control purposes. The granting of the easement will also provide Community Services (Goal 6). This action will allow water delivery and distribution to a new residential tract in the City of Palmdale, thereby, improving the quality of life of the residents of the County.

#### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The proposed selling price of \$2,500 represents the value of the easement. This amount has been paid and deposited into the Flood Control District Fund.

#### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

Private Drain No. 2266 is located south of Avenue S and east of 57th Street East, in the City of Palmdale.

The proposed grant of easement is authorized by Section 2, Paragraph 13, of the Los Angeles County Flood Control Act. This Section provides as follows: "To ...sell or dispose of any property (or any interest therein) whenever in the judgment of said Board of Supervisors, said property, or any interest therein, or any part thereof, is no longer required for the purpose of said District...."

The granting of this easement will not hinder the use of Private Drain No. 2266 for possible transportation, utility, or recreational corridors.

The Easement document has been approved by County Counsel and will be recorded.

#### **ENVIRONMENTAL DOCUMENTATION**

In granting the easement for waterline purposes, the LACFCD is acting as a responsible agency for this off-site acquisition for the development of Tract No. 52921. The California Environmental Quality Act (CEQA) requires public agency decision-makers to document and consider the environmental implications of their actions. The City of Palmdale was the lead agency for the project. The City's Planning Department has prepared, certified, and adopted the Mitigated Negative Declaration and filed a Notice of Determination for the project under the CEQA. The LACFCD is a responsible agency whose discretionary approval of the project is required in order for the developer to carry out the project. The recommended findings are in accordance with CEQA and are required prior to your Board's approval of the recommended actions.

#### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**


This will allow for use of LACFCD right of way without interfering with the mission of the LACFCD.

The Honorable Board of Supervisors  
October 2, 2007  
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**CONCLUSION**

Please return one adopted copy of this letter and the executed original of the Easement document to the Department of Public Works, Mapping & Property Management Division, and retain the duplicate for your records.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William T. Fujioka', with a long horizontal flourish extending to the right.

WILLIAM T FUJIOKA  
Chief Executive Officer

WTF:DLW  
PAP:gp

Attachments (2)

c: Auditor-Controller (Accounting Division - Asset Management)  
County Counsel  
Department of Public Works (Fiscal)

# DUPLICATE

RECORDING REQUESTED BY  
AND MAIL TO:

Palmdale Water District  
2029 East Avenue Q  
Palmdale, CA 93550

*Space Above This Line Reserved for Recorder's Use*

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY TRANSFER TAX  
PURSUANT TO SECTION 11922 OF THE REVENUE & TAXATION CODE

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT  
TO SECTION 27383 OF THE GOVERNMENT CODE

Assessor's Identification Number:  
3051-044-900 (Portion)

## EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic (hereinafter referred to as DISTRICT), does hereby grant to the PALMDALE WATER DISTRICT, an irrigation district (hereinafter referred to as GRANTEE), a permanent and exclusive easement and right of way, in gross, to lay, construct, reconstruct, maintain, operate, enlarge, improve, alter, inspect, repair, replace, renew, or remove at any time, and from time to time, underground waterlines and all necessary laterals thereto consisting of one or more pipelines, markers, valves, meters, and other fixtures, devices, appurtenances, or equipment necessary or convenient for water production, transmission, or distribution in, under, across, and along the real property in the City of Palmdale, County of Los Angeles, State of California, described in Exhibit B and shown delineated in Exhibit C attached hereto and by this reference made a part hereof.

Subject to all matters of record and to the following reservation and conditions, which GRANTEE, by the acceptance of this Easement and/or the exercise of any of the rights granted herein, agrees to keep and perform, viz:

1. DISTRICT reserves the paramount right to use said land for flood control purposes.
2. GRANTEE agrees that it will not perform or arrange for the performance of any construction or reconstruction work in, under, across, and along the land herein described until the plans and specifications for such construction or reconstruction work shall have first been submitted to and been approved in writing by the Chief Engineer of the Los Angeles County Flood Control District. Such approval by DISTRICT shall not be interpreted or inferred as an endorsement or approval as to the design, accuracy, correctness, or authenticity of the information shown on the submitted plans and specifications. Furthermore, such approval cannot be relied upon for any other purpose or by any third party for any reason whatsoever. DISTRICT does not accept ownership or responsibility for the improvements.

File with: **TRANSFER DRAINS**  
**PRIVATE DRAIN NO. 2266**  
I.M. 309-277  
S.D. 5                      M0523001

3. GRANTEE agrees that it shall indemnify and save harmless the DISTRICT, its officers, agents, and/or employees, from any and all liability, loss, or damage to which DISTRICT, its officers, agents, and employees may be subjected as the result of any act or omission by GRANTEE, its officers, agents, or employees, arising out of the exercise by GRANTEE, its officers, agents, or employees of any of the rights granted to it by this instrument.
4. It is expressly understood that DISTRICT will not be called upon to construct, repair, maintain, or reconstruct any structure or improvement to be erected or constructed pursuant to this easement.
5. These provisions and agreements shall be binding upon GRANTEE, its successors, and assigns.

This easement is also subject to the terms and conditions set forth in Exhibit A attached hereto and by this reference made a part hereof.

To the extent any lawful assessment be levied pertaining to the area to which this easement applies and to the extent that the assessment is based on the structures and improvements being constructed under the authority of this easement and provided further that the assessment be levied following GRANTEE's exercise of these easement rights to construct such structures and improvements, GRANTEE agrees to pay on behalf of DISTRICT that part of any such assessment levied against DISTRICT which is based on the value contributed to that area by GRANTEE's said improvements.

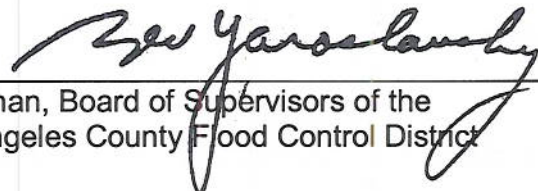
Dated OCT 02 2007



(LACFCD-SEAL)

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,  
a body corporate and politic

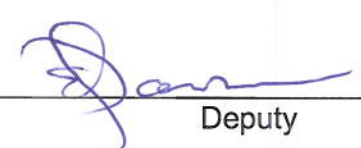
By

  
Chairman, Board of Supervisors of the  
Los Angeles County Flood Control District

ATTEST:

SACHI A. HAMAI, Executive Officer  
of the Board of Supervisors  
of the County of Los Angeles

By

  
Deputy

APPROVED AS TO FORM

RAYMOND G. FORTNER, JR.  
County Counsel

By

  
Deputy

OG:bw  
P:CONF:OG-EPD2266PLMD

NOTE: Acknowledgment form on reverse side.



STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Chairman of the Board on all papers, documents, or instruments requiring the Chairman's signature.

The undersigned hereby certifies that on this 2ND day of OCTOBER, 2007, the facsimile signature of ZEV YAROSLAVSKY, Chairman of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Chairman of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.



SACHI A. HAMAI, Executive Officer  
of the Board of Supervisors  
of the County of Los Angeles

By [Signature]  
Deputy

(LACFCD-SEAL)

APPROVED AS TO FORM

RAYMOND G. FORTNER, JR.  
County Counsel

By [Signature]  
Deputy

#### CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in the real property conveyed by the deed dated \_\_\_\_\_, from the Los Angeles County Flood Control District, a body corporate and politic, as Grantor, to Palmdale Water District, a public agency, is hereby accepted by the undersigned on behalf of the Board of Directors of Palmdale Water District pursuant to authority conferred by Resolution of the Board of Directors adopted on \_\_\_\_\_, and the Grantee consents to the recordation thereof by its duly authorized representative.

Dated \_\_\_\_\_

By \_\_\_\_\_

APPROVED as to title and execution,

\_\_\_\_\_, 20\_\_\_\_\_  
DEPARTMENT OF PUBLIC WORKS  
Mapping & Property Management Division

Supervising Title Examiner

By \_\_\_\_\_

## EXHIBIT A

DISTRICT agrees for itself and its successors and assigns, not to erect, place, or maintain, nor to permit the erection, placement, or maintenance, of any buildings, planter boxes, earth fills, or other structures, except walls and fences, on the herein described real property. GRANTEE and its contractors, agents, and employees shall have the right to trim or cut tree roots as may endanger or interfere with said water systems, and shall have free access to said systems and every part thereof, at all times, for the purposes of exercising the rights herein granted; provided, however, that in making any excavation on the herein described real property of DISTRICT, GRANTEE shall make the same in such manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.

Any subsequent removal, relocation, replacement, or realignment of facilities located within the easement granted herein shall be accomplished at the expense of the person or entity requiring the same and at no expense to GRANTEE.

The conditions set forth herein, shall bind, and inure to the benefit of the respective heirs, personal representatives, successors, and assigns of the parties hereto.



## EXHIBIT B

File with: **TRANSFER DRAINS**  
**PRIVATE DRAIN NO. 2266**  
A.P.N. 3051-044-900 (Portion)  
T.G. 4287 (C4)  
I.M. 309-277  
S.D. 5  
M0523001

### LEGAL DESCRIPTION

(Grant of easement for water line and appurtenances)

The northeasterly 10 feet of Lot 199, Tract No. 45038, as shown on map filed in Book 1150, pages 49 to 55, inclusive, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles.

Containing: 1,495± s.f.

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.

APPROVED AS TO DESCRIPTION

\_\_\_\_\_  
COUNTY OF LOS ANGELES

By \_\_\_\_\_  
SUPERVISING CADASTRAL ENGINEER III  
Mapping and Property Management Division

PLAT TO ACCOMPANY LEGAL DESCRIPTION  
EXHIBIT "C"

LOT 199 OF TRACT 45038 M.B. 1150 PG. 49-55

SCALE: 1" = 100'

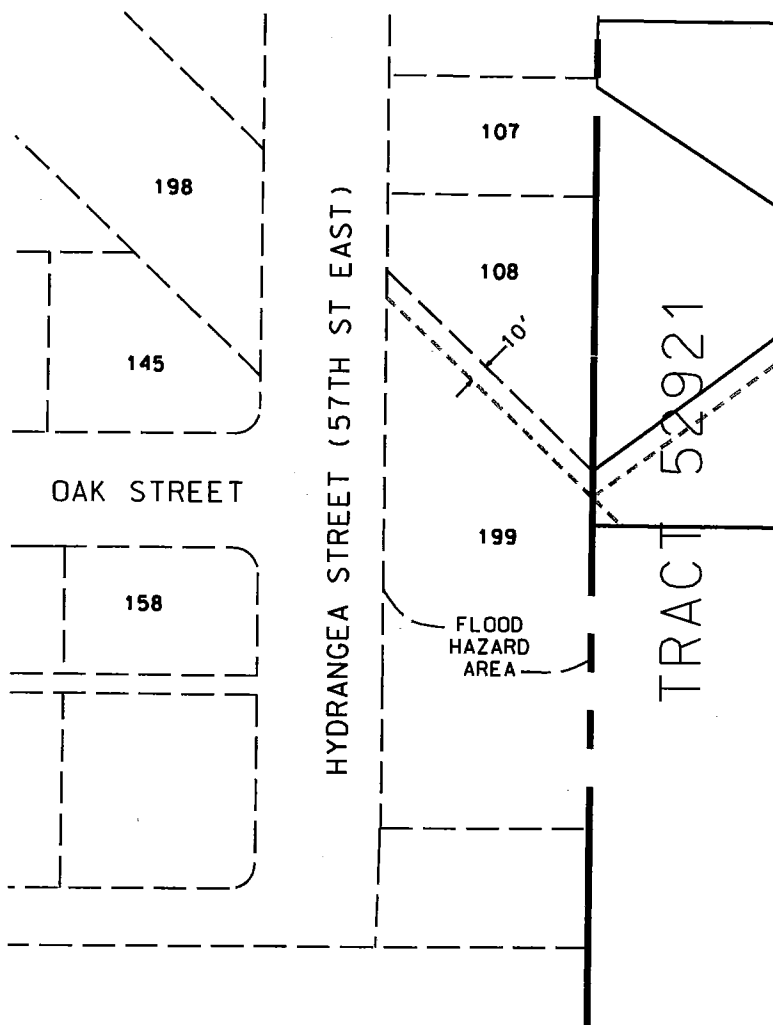


LEGEND

PROPERTY LINE \_\_\_\_\_

WATER EASEMENT - - - - -

CENTER LINE - - - - -



JOEL C. SILVERMAN, RCE 16844  
LICENSE EXPIRES JUNE 30, 2007

